

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TELEFLEX INCORPORATED,

Plaintiff,

Case No: 02-74586  
Hon. Lawrence P. Zatkoff

vs.

Magistrate Judge Pepe

KSR INTERNATIONAL CO.,

Defendant.

RODGER D. YOUNG (P22652)  
STEVEN SUSSER (P52940)  
DAVID J. POIRIER (P62928)  
**YOUNG & SUSSER, P.C.**  
26200 American Drive  
Suite 305  
Southfield, MI 48034  
(248) 353-8620  
*Attorneys for Plaintiff*

ROBERT M. KALEC (P38677)  
**DEAN & FULKERSON, P.C.**  
801 W. Big Beaver Road, 5<sup>th</sup> Floor  
Troy, MI 48084  
(248) 362-1300  
*Attorney for Defendant*

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U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**KSR INTERNATIONAL CO.'S ANSWER AND AFFIRMATIVE DEFENSES TO  
COMPLAINT FOR PATENT INFRINGEMENT AND RELIANCE ON  
JURY DEMAND**

Defendant, KSR International Co. ("KSR"), by and through its attorneys, Dean & Fulkerson, P.C., responds and answers the Complaint for Patent Infringement as follows:

**PARTIES**

1. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 1, and therefore they are denied.
2. The allegations in paragraph 2 are admitted.

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**JURISDICTION**

3. The allegations contained in paragraph 3 are conclusions of law, not statements of fact to which an answer is required. To the extent an answer is deemed to be required the allegations are denied.

4. The allegations contained in paragraph 4 are conclusions of law, not statements of fact to which an answer is required. To the extent an answer is deemed to be required the allegations are denied.

5. The allegations contained in paragraph 5 are conclusions of law, not statements of fact to which an answer is required. To the extent an answer is deemed to be required the allegations are denied.

**COUNT I**  
**INFRINGEMENT OF '565 PATENT**

6. Defendant incorporates by reference its answers to paragraphs 1 through 5, as if fully set forth herein.

7. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 7, and therefore they are denied.

8. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 8, and therefore they are denied.

9. The allegations in paragraph 9 are denied.

10. The allegations in paragraph 10 are denied.

11. The allegations in paragraph 11 are denied.

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12. The allegations in paragraph 12 are denied.

13. The allegations in paragraph 13 are denied.

**COUNT II**  
**INFRINGEMENT OF '239 PATENT**

14. Defendant incorporates by reference its answers to paragraphs 1 through 13, as if fully set forth herein.

15. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 15, and therefore they are denied.

16. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 16, and therefore they are denied.

17. The allegations in paragraph 17 are denied.

18. The allegations in paragraph 18 are denied.

19. The allegations in paragraph 19 are denied.

20. The allegations in paragraph 20 are denied.

21. The allegations in paragraph 21 are denied.

**COUNT III**  
**INFRINGEMENT OF '695 PATENT**

22. Defendant incorporates by reference its answers to paragraphs 1 through 21, as if full set forth herein.

23. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 23, and therefore they are denied.

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24. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 24, and therefore they are denied.

25. The allegations in paragraph 25 are denied.

26. The allegations in paragraph 26 are denied.

27. The allegations in paragraph 27 are denied.

28. The allegations in paragraph 28 are denied.

29. The allegations in paragraph 29 are denied.

The prayer for relief, in whole and in all of its sub-parts, is not an allegation of fact to which an answer is required. To the extent an answer is deemed to be required, the demand for relief is denied in whole and in all of its sub-parts.

#### **AFFIRMATIVE DEFENSES**

1. U.S. Patent No. 6,237,565 is unenforceable.

2. U.S. Patent No. 6,237,565 is invalid for failure to meet or to comply with one or more requirements of Title 35 of the United States Code.

3. U.S. Patent No. 6,237,565 has not been infringed by any product that Defendant makes, uses, sells or has caused to be made, used or sold.

4. U.S. Patent No. 6,305,239 B1 is unenforceable.

5. U.S. Patent No. 6,305,239 B1 is invalid for failure to meet or to comply with one or more requirements of Title 35 of the United States Code.

6. U.S. Patent No. 6,305,239 B1 has not been infringed by any product that Defendant makes, uses, sells or has caused to be made, used or sold.

7. U.S. Patent No. 6,374,695 is unenforceable.

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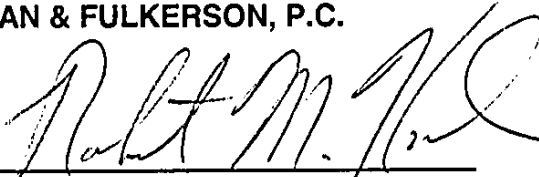
8. U.S. Patent No. 6,374,695 is invalid for failure to meet or to comply with one or more requirements of Title 35 of the United States Code.

9. U.S. Patent No. 6,374,695 has not been infringed by any product that Defendant makes, uses, sells or has caused to be made, used or sold.

WHEREFORE, Defendant, KSR International Co., requests that the Complaint be dismissed with prejudice, and that it be awarded its costs and attorneys fees and such other relief as the Court deems appropriate.

Respectfully submitted,

**DEAN & FULKERSON, P.C.**

By: 

Robert M. Kalec (P38677)

*Attorney for Defendant*

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Dated: December 11, 2002

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**RELIANCE ON JURY DEMAND**

NOW COMES Defendant, KSR International Co., by and through its attorneys, Dean & Fulkerson, P.C., and hereby relies upon the demand for jury trial previously filed by Plaintiff in the above-entitled cause.

Respectfully submitted,

**DEAN & FULKERSON, P.C.**

By: 

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*Attorney for Defendant*

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**CERTIFICATE OF SERVICE**

I certify that on December 11, 2002, I caused a copy of the foregoing  
**ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT FOR PATENT  
INFRINGEMENT AND RELIANCE ON JURY DEMAND** to be served upon plaintiff by  
first class mail, postage prepaid and addressed as follows:

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Steven Susser, Esq.  
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BONITA K. CRISON

U.S. DIST. COURT CLERK  
EAST DIST. MICHIGAN  
DETROIT

FILED